



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
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GAIL FARBER, Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

November 12, 2013

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

24 November 12, 2013

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

**AMENDMENT NO. 1 TO LEASE AGREEMENT NO. 77776 BETWEEN
THE COUNTY OF LOS ANGELES AND THE UNITED STATES DEPARTMENT OF
AGRICULTURE – U.S. FOREST SERVICE FOR ITS AIR TANKER BASE AT GENERAL WILLIAM
J. FOX AIRFIELD IN THE CITY OF LANCASTER
(SUPERVISORIAL DISTRICT 5)
(4 VOTES)**

SUBJECT

This action is to approve and instruct the Chairman to sign Amendment No. 1 to Lease Agreement No. 77776 between the County of Los Angeles and the United States Department of Agriculture - U.S. Forest Service, which makes specific reference to applicable landing fees.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that the proposed Amendment No. 1 to Lease Agreement No. 77776 is categorically exempt from the provisions of the California Environmental Quality Act.
2. Approve and instruct the Chairman to sign Amendment No. 1 to Lease Agreement No. 77776 between the County of Los Angeles and the United States Department of Agriculture – U.S. Forest Service to include specific reference to applicable landing fees.
3. Instruct the Director of Public Works or her designee to make the necessary arrangements with the County of Los Angeles' contract airport manager and operator for the collection of all applicable landing fees to be paid.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the proposed amendment to Lease Agreement No. 77776 (Lease Amendment No. 1) is to allow the United States Department of Agriculture – U.S. Forest Service (USDA Forest Service) to continue to pay all applicable landing fees.

On September 26, 1976, the Board approved Lease Agreement No. 28240 between the County and the USDA Forest Service. This original Lease Agreement No. 28240 contained a reference to the requirement to pay applicable landing fees and was later amended by the Board on August 1, 1979, to extend the term through August 31, 2014.

On June 19, 2012, the Board approved Lease Agreement No. 77776 (Lease), a new lease agreement between the County and USDA Forest Service replacing Lease Agreement No. 28240. The Lease allows the USDA Forest Service to continue to operate its Air Tanker Base, which is dedicated to fighting fires in and around the Southern California Area, and the right to construct new facilities at the airport with an extended term for up to thirty (30) years. However, the Lease, which was prepared by the USDA Forest Service in its standard U.S. Government lease formatting, did not make specific reference to the payment of landing fees although such fees were contemplated by the contract and have been paid.

The USDA Forest Service recently informed the County that it will now require specific reference to landing fees in its Lease to allow them to continue to pay the landing fees based on the criteria and rates that they have paid previously. Therefore, an amendment to the Lease is required.

The proposed Lease Amendment No. 1 was prepared by the USDA Forest Service, again in their U.S. Government formatting, and includes reference to the applicable landing fees. All other terms, conditions, and provisions of the Lease will remain in full force and effect.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1) and Integrated Services Delivery (Goal 3). Implementation of the recommended actions will continue to provide the airport with a revenue stream to the County and will support quality public works infrastructure services to the communities.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

Lease Amendment No. 1 will allow for the USDA Forest Service's continued payment of all applicable landing fees to the County.

Landing fees are based on the Maximum Gross Landing Weight (MGLW) for all aircraft in the USDA Forest Service's air tanker fleet landing at the airport. The specific fee is \$1 per 1,000 pounds.

The landing fees will continue to be collected from the USDA Forest Service by the County's contract airport operator.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The proposed Lease Amendment No. 1, which contains reference to the applicable landing fees, was drafted by the USDA Forest Service and has been reviewed and approved as to form by County

Counsel.

The landing fees described in Lease Amendment No. 1 are consistent with what the USDA Forest Service has been paying to the County since its original Lease Agreement No. 28240, which commenced on September 26, 1976.

ENVIRONMENTAL DOCUMENTATION

The proposed Lease Amendment No. 1 is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the State CEQA guidelines and Class 1(r) of the County Environmental Document Reporting Procedures and Guidelines, Appendix G, adopted by the Board on November 17, 1987, as it involves no expansion of an existing use and is an amendment that involves the use of a facility for the purpose for which it was constructed. In addition, there are no cumulative impacts, unusual circumstances, or other limiting factors that would make the exemption inapplicable.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of Lease Amendment No. 1 will have no impact on the USDA Forest Service's ability to operate its Air Tanker Base at the airport and will allow the USDA Forest Service to continue to pay all applicable landing fees to the County.

CONCLUSION

Please return two adopted copies of this letter and enclosure to the Department of Public Works, Aviation Division. Also, please forward one adopted copy of the letter and enclosure to the County Assessor, Possessory Interest Division; and the Auditor Controller, General Claims Division.

Respectfully submitted,



GAIL FARBER

Director

GF:RLS:jem

Enclosures

c: Auditor-Controller
Chief Executive Office (Rita Robinson)
County Assessor
County Counsel (Adrienne Byers)
Executive Office

UNITED STATES
Department of Agriculture
LEASE AMENDMENT

LEASE AMENDMENT NO. 1

TO LEASE AGREEMENT NO. 77776

ADDRESS OF PREMISES 4503 West William Barnes Avenue
Lancaster, CA 93536

THIS AGREEMENT, made and entered into this date by and between

County of Los Angeles
whose address is Chief, Aviation Division
Department of Public Works
P.O. Box 1460
Alhambra, CA 91802-1460

hereinafter called the Lessor, and the UNITED STATES DEPARTMENT OF AGRICULTURE – U.S. FOREST SERVICE, hereinafter called the Lessee:

WHEREAS, the parties hereto desire to amend Lease Agreement No. 77776 (Lease).

NOW THEREFORE, these parties for the considerations hereinafter mentioned covenant and agree that the said Lease is amended, effective June 12, 2012, the commencement date of the Lease, as follows:

The following is added to Clause 18 – Taxes, Assessments, and Fees.

“Landing Fees: Lessee agrees to pay to County or Manager any applicable landing fees in accordance with the following schedules, procedures and aircraft types and weights:

- (a) A fee will be levied in the amount of \$1.00 per 1,000 pounds Maximum Gross Landing Weight (MGLW) for all aircraft in Lessee's air tanker fleet landing at the Airport.
- (b) For assessment of landing fees, Lessee shall keep an accurate accounting by aircraft make, model, MGLW, registration number and date of all landings at the Airport by aircraft in Lessee's air tanker fleet.
- (c) A Monthly Landing Report listing all of the landings by aircraft in Lessee's air tanker fleet within the previous calendar month will be provided to the Manager by the Lessee at the end of each month. The Manager shall then prepare an invoice to be submitted to the Lease Contracting Officer's Representative.
- (d) Payments will be processed in a timely manner.”

The remainder of this page is intentionally left blank.

IN WITNESS WHEREOF, the Lessee has executed this Amendment No.1 to Lease Agreement No. 77776, or caused it to be duly executed, and the County of Los Angeles, by order of its Board of Supervisors, has caused this Amendment No. 1 to be executed on its behalf on the day, month, and year first written above.

COUNTY OF LOS ANGELES

By: _____
Chairman, Board of Supervisors

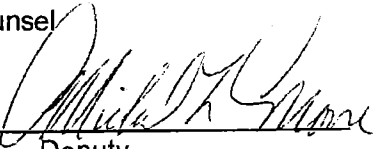
ATTEST:

SACHI A. HAMAI
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By: _____
Deputy

APPROVED AS TO FORM:

JOHN F. KRATTLI
County Counsel

By:  _____
Deputy

AGREED:

JUDY I. REDDIN
Lease Contracting Officer
USDA, Forest Service

By: _____
Lessee